SSM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 575 OF 2004

Mr. Kantilal Ramkrishan Chirmade ... Petitioner

Vs.

Kotak Mahindra Finance Ltd. & Ors. ...Respondents

ALONGWITH

CRIMINAL WRIT PETITION NO. 576 OF 2004

Mr. Bharat N. Vaishnawa ... Petitioner

Vs.

Kotak Mahindra Finance Ltd. & Ors. ...Respondents

Mr. Subhash Jha i/b M/s. Law Global for the petitioners.

Smt. Revati Mohite for respondent 1.

CORAM : SMT. RANJANA DESAI, J.

DATED : 7TH NOVEMBER, 2006.

P.C. :-

1. In this writ petition, the petitioner has prayed for quashing of

process issued by the 9th Additional Chief Metropolitan Magistrate's Court, Bandra in case No.124/S of 1997 , filed by respondents 1 and 2 under Section 138 of the Negotiable Instruments Act. Admittedly, an alternate remedy of preferring a revision before the Sessions Court is available to the petitioners. In view of the judgment of this Court in ***Ashok P. C. Mehta Vs. State of Maharashtra 2005-BCR, Cri) 2-193,*** the present petition cannot be entertained and is dismissed as such. The petitioners will be at a liberty to file a revision before the concerned Sessions Court.

2. Interim stay already granted to continue for a further period of 5 weeks. It is clarified that no further extension of stay will be granted.

3. In the peculiar facts and circumstances of the case, if the respondents raise any objection as regards limitation the learned Sessions Judge shall entertain the revision application despite the same by passing appropriate order.

(SMT. RANJANA DESAI, J.)